

In re Application of
LTL Color Compounders, Inc.
U.S. Trademark Application Serial No. 77/442,445
Filed: April 8, 2008
For the mark: COLORFAST

Examining Attorney: Melissa Vallillo
Law Office: 113

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

SIR:

CERTIFICATE OF FIRST-CLASS MAILING

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited today with the United States postal service as first class postage-prepaid mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

8-18-09

Date



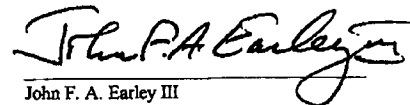
John F. A. Earley III
Reg. No. 31,350

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper and during the pendency of this application to Account No. 05-0208.

8-18-09

Date



John F. A. Earley III
Reg. No. 31,350

AMENDMENT

Please amend the application to reflect that Applicant seeks registration
under Section 2(f) of the Trademark Act.

Please amend the application to indicate the following dates of first use:

First use anywhere: at least as early as 2001

First use in commerce: at least as early as 2001



08-21-2009

REMARKS

Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks:

- 1) Applicant appreciates the indication by the Examining Attorney that the requirements relating to the identification of goods and to the request for additional information have been satisfied.
- 2) While Applicant respectfully traverses the grounds for refusal, in order to facilitate prosecution of this application, without waiving its position traversing the grounds for refusal, Applicant claims acquired distinctive of the mark under Section 2(f) of the Trademark Act, and Applicant submits herewith a declaration supporting the amendment of the application to seek registration under Section 2(f).
- 3) Applicant respectfully requests that its application be accepted and passed to publication.

Respectfully submitted,
HARDING, EARLEY, FOLLMER & FRAILEY, P.C.



JOHN F. A. EARLEY III, Reg. (No. 31,350
86 The Commons at Valley Forge East
1288 Valley Forge Road
P.O. Box 750
Valley Forge, PA 19482-0750
Telephone: 610-935-2300
Fax: 610-935-0600
Attorney for Applicant

Date: 8-18-09

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DECLARATION

I, Anthony Kasmer, declare and state as follows:

- 1) I am an officer of the Applicant, and I am authorized to execute this declaration on behalf of the Applicant.
- 2) The mark COLORFAST was first used anywhere on or in connection

with the goods listed in the above-identified application (that is, on or in connection with synthetic resins for use in color and additive compounding) by Applicant at least as early as 2001, and the mark COLORFAST was first used in commerce on or in connection with the goods listed in the above-identified application (that is, on or in connection with synthetic resins for use in color and additive compounding) by Applicant at least as early as 2001.

3) The mark COLORFAST has become distinctive of the goods listed in the above-identified application through Applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.

4) All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

LTL COLOR COMPOUNDERS, INC.

By: Anthony Kasmer
Anthony Kasmer, President

Date: August 18, 2009